

IN THE CLAIMS

Please cancel claims 1, 3, 8, 10, 15-16, 20-21, 25, 27-29 and 31-32, and amend claims 2, 4, 5, 6, 9, 11, 12 and 13 as follows:

1. (CANCELED)

2. (CURRENTLY AMENDED) ~~[[The]]~~ A method of claim 4 for controlling transmit power in a wireless communications system, comprising:

(a) replacing at least a portion of a frame with an orthogonal code;

(b) determining a bit error rate for the orthogonal code in the frame transmitted by the wireless communications system, wherein the determining step further comprises calculating the bit error rate for the orthogonal code and then estimating the bit error rate for the frame based on the calculation; and

(c) adjusting transmit power in the wireless communications system based on the determined bit error rate.

3. (CANCELED)

4. (CURRENTLY AMENDED) ~~[[The]]~~ A method of claim 3 for controlling transmit power in a wireless communications system, further comprising:

(a) replacing at least a portion of a frame with an orthogonal code, wherein the orthogonal code replaces a header in the frame by mapping the header to the orthogonal code using a table, wherein the table associates the header to the orthogonal code;

(b) determining a bit error rate for the orthogonal code in the frame transmitted by the wireless communications system; and

(c) adjusting transmit power in the wireless communications system based on the determined bit error rate.

5. (CURRENTLY AMENDED) The method of claim 4, wherein the mapping ~~[[step]]~~ is performed at call set up.

6. (ORIGINAL) ~~[[The]]~~ A method of claim 1 for controlling transmit power in a wireless communications system, comprising:

(a) replacing at least a portion of a frame with an orthogonal code, wherein the orthogonal code replaces padding bits in the frame transmitted by the wireless communications system;

(b) determining a bit error rate for the orthogonal code in the frame transmitted by the wireless communications system; and

(c) adjusting transmit power in the wireless communications system based on the determined bit error rate.

7. (PREVIOUSLY PRESENTED) The method of claim 2, wherein the estimating step comprises extrapolating the bit error rate for the frame from the bit error rate for the orthogonal code.

8. (CANCELED)

9. (CURRENTLY AMENDED) ~~[[The]]~~ An apparatus of claim 8 for controlling transmit power in a wireless communications system, comprising:

(a) means for replacing at least a portion of a frame with an orthogonal code;

(b) means for determining a bit error rate for the orthogonal code in the frame transmitted by the wireless communications system, wherein the means for determining further comprises means for calculating the bit error rate for the orthogonal code and means for estimating the bit error rate for the frame based on the calculation; and

(c) means for adjusting transmit power in the wireless communications system based on the determined bit error rate.

10. (CANCELED)

11. (CURRENTLY AMENDED) ~~[[The]]~~ An apparatus of claim 10 for controlling transmit power in a wireless communications system, further comprising means for:

(a) means for replacing at least a portion of a frame with an orthogonal code, wherein the orthogonal code replaces a header in the frame by mapping the header to the orthogonal code using a table, wherein the table associates the header to the orthogonal code;

(b) means for determining a bit error rate for the orthogonal code in the frame transmitted by the wireless communications system; and

(c) means for adjusting transmit power in the wireless communications system based on the determined bit error rate.

12. (CURRENTLY AMENDED) The apparatus of claim 11, wherein the means for mapping is performed at call set up.

13. (CURRENTLY AMENDED) ~~[[The]]~~ An apparatus of claim 8 for controlling transmit power in a wireless communications system, comprising:

(a) means for replacing at least a portion of a frame with an orthogonal code, wherein the orthogonal code replaces padding bits in the frame transmitted by the wireless communications system;

(b) means for determining a bit error rate for the orthogonal code in the frame transmitted by the wireless communications system; and

(c) means for adjusting transmit power in the wireless communications system based on the determined bit error rate.

14. (PREVIOUSLY PRESENTED) The apparatus of claim 9, wherein the means for estimating comprises means for extrapolating the bit error rate for the frame from the bit error rate for the orthogonal code.

15-32. (CANCELED)